

Remarks/Arguments

The Examiner is thanked for the courteous telephone interview granted Applicants' representative on October 14, 2004. This Response has been prepared pursuant to comments and suggestions made by the Examiner during the interview.

Claims 1-4, 7-16, 19-28 and 31-39 are now pending in the present application. Claims 5, 6, 17, 18, 29 and 30 have been canceled; claims 1, 7, 8, 10-13, 19, 20, 22-26 and 31-36 have been amended; and claims 37-39 have been added. Applicants have carefully considered the cited references and the Examiner's comments, and believe all the claims currently in the case patentably distinguish over the references and are allowable in their present form. Reconsideration of the rejection is, accordingly, respectfully requested in view of the above amendments and the following comments.

I. 35 U.S.C. § 102, Anticipation

The Examiner has rejected claims 1-8 and 13-20 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,657,372 (Ahlberg et al.). This rejection is respectfully traversed.

Claim 1 has been amended to incorporate subject matter previously recited in claim 5; and in addition, to further clarify the invention. Claim 1 now reads as follows:

1. A method of delayed answering of calls directed to a mobile telephone, comprising:
 - accepting an incoming call from a calling party device;
 - determining a current operational mode in which the mobile telephone has been preset;
 - disabling transmission of input from a voice pickup device associated with the mobile telephone during a preset delay period from a time the incoming call is accepted if the mobile telephone has been preset to a current operational mode in which delayed answering is enabled; and
 - transmitting a prerecorded message to the calling party device during the preset delay period.

Ahlberg et al.(hereinafter Ahlberg) does not disclose "determining a current operational mode in which the mobile telephone has been preset" as currently recited in claim 1; and, in addition, does not disclose "disabling transmission of input from a voice pickup device associated with the mobile telephone during a preset delay period from a time the incoming call is accepted if the mobile telephone has been preset to a current operational mode in which delayed answering is enabled" as also recited in claim 1.

In rejecting the claims, the Examiner initially states with respect to claim 1:

Regarding claims 1 and 13, Ahlberg et al. disclose a method of delayed answering of calls directed to a mobile telephone, comprising:

accepting an incoming call from a calling party device (see col. 11 lines 44-49);

disabling transmission of input from a voice pickup device associated with the mobile telephone during a preset delay period from a time the incoming call is accepted (see col. 11 lines 50-52); and

transmitting a prerecorded message to the calling party device during the preset delay period (see col. 11 lines 52-56).

Office Action dated July 19, 2004, page 2.

With respect to claim 5, the Examiner further states:

Regarding claims 5 and 17, Ahlberg et al. disclose determining an operating mode of the mobile telephone, wherein disabling transmission of input from a voice pickup device and transmitting a prerecorded message are performed only if the operating mode of the mobile telephone is set to an operating mode in which delayed answering is enabled (see col. 11 lines 44-56).

Office Action dated July 19, 2004, page 3.

Col. 11, lines 35-56 of Ahlberg et al. reads as follows:

Referring now to FIG. 4, detailed operations for selectively establishing voice communications between a cellular telephone 21 and a source telephone according to the present invention are described. As illustrated in block 80, the user of the cellular telephone is initiate alerted of the incoming telephone call

placed by the source telephone. In some embodiments, the telephone number or other identifying indicia of the source telephone can be displayed, such as by the display means 68 of the cellular telephone, for the user of the cellular telephone as shown in block 82.

Thereafter, a first timer 58 can be initialized and the cellular telephone 21 monitored to determine if the user has actuated the hold selection means 50 as illustrated in blocks 84 and 86, respectively. If the user of the cellular telephone has actuated the hold selection means, a communications link is established between the cellular telephone and the source telephone by the answering delay means, without opening the speaker 40 and the microphone 42 of the cellular telephone, as shown in block 88. In addition, a predetermined message is preferably transmitted to the source telephone as illustrated in block 90 indicating that the telephone call has been accepted and that the user of the cellular telephone will be available momentarily.

As is apparent from the above description, in Ahlberg, the user of the cellular telephone decides whether or not to actuate the hold selection means only after the user has been alerted to an incoming telephone call. In particular, after the user is alerted to an incoming call, first timer 58 is initialized and the user has the time period set by the first timer to decide whether or not to actuate the hold selection means.

Ahlberg does not disclose a mechanism by which the user of the cellular telephone can preset the mobile telephone to a "current operational mode", and does not disclose "disabling transmission of input from a voice pickup device associated with the mobile telephone during a preset delay period from a time the incoming call is accepted if the mobile telephone has been preset to a current operational mode in which delayed answering is enabled" (emphasis added) as now recited in claim 1. As described, for example, on page 9 of the specification, with the present invention, the cellular telephone may offer a number of modes that may be used under certain circumstances. These modes may include a driving mode, a "do not disturb" mode, a standard mode, a theater mode, a suppressed ring mode and the like. Any of these operational modes may be set by the user prior to the time that a telephone call is received; and Ahlberg does not disclose such a capability.

Claim 1, accordingly, as amended herein, is not anticipated by Ahlberg, and withdrawal of the rejection thereunder is respectfully requested.

Claims 2-4, 7 and 8 depend from and further restrict claim 1, and are also not anticipated by Ahlberg, at least by virtue of their dependency.

Independent claim 13 has been amended in a similar manner as claim 1, and is also not anticipated by Ahlberg for substantially the same reasons as discussed above with respect to claim 1. Claims 14-16, 19 and 20 depend from claim 13, and are also not anticipated by Ahlberg, at least by virtue of their dependency.

Therefore, the rejection of claims 1-8 and 13-20 under 35 U.S.C. § 102 has been overcome.

Furthermore, Ahlberg does not teach, suggest, or give any incentive to make the needed changes to reach the presently claimed invention. Ahlberg contains no disclosure of presetting a mobile telephone to a current operational mode, and one of ordinary skill in the art would not be led to modify Ahlberg to reach the present invention when the reference is examined as a whole. Absent some teaching, suggestion, or incentive to modify Ahlberg in this manner, the presently claimed invention can be reached only through an improper use of hindsight using the Applicants' disclosure as a template to make the necessary changes to reach the claimed invention.

II. 35 U.S.C. § 103, Obviousness

The Examiner has rejected claims 9 and 21 under 35 U.S.C. § 103(a) as being unpatentable over Ahlberg in view of U.S. Patent No. 6,701,160 (Pinder et al.). In rejecting claims 9 and 21, the Examiner acknowledges that Ahlberg fails to disclose "comparing the identity of the calling party with a list of calling party"; and cites Pinder as disclosing this feature.

Claims 9 and 21, however, depend from and further restrict independent claims 1 and 13, respectively. Pinder does not supply the deficiencies in Ahlberg as described above, and claims 9 and 21 should be allowable in their present form, at least by virtue of their dependency.

Claims 10-12, 22-32 and 34-36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ahlberg in view of US PUB. 2002/0052225 (Davis et al.). In rejecting the claims, the Examiner acknowledges that Ahlberg fails to disclose "a schedule of events from a memory associated with the mobile telephone", and cites Davis as disclosing this feature.

Claims 10-12, however, depend from and further restrict claim 1, and claims 22-24 depend from and further restrict claim 13. Davis does not supply the deficiencies in Ahlberg as described above, and these claims should be allowable in their present form, at least by virtue of their dependency. In addition, independent claim 25 has been amended in a manner similar to claim 1, and should also be allowable in its present form, together with claims 26-28, 31, 32 and 34-36 depending therefrom.

Claim 33 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Ahlberg in view of Davis et al. and Pinder et al. Claim 33, however, depends from and further restricts independent claim 25, and should be allowable in its present form, at least by virtue of its dependency.

Therefore, the rejection of claims 9-12, 21-28 and 31-36 under 35 U.S.C. § 103 has been overcome.

New dependent claims 37-39 have been added to more fully protect Applicants' invention and should also be allowable in their present form, at least by virtue of their dependency.

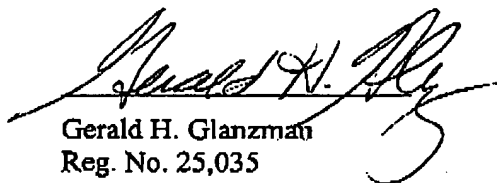
III. Conclusion

For all the above reasons, it is respectfully urged that claims 1-4, 7-16, 19-28 and 31-39 are allowable in their present form and that this application is in condition for allowance. It is, accordingly, respectfully requested that the Examiner so find and issue a Notice of Allowance in due course.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,



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